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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,592	12/05/2003	Masayoshi Miyamoto	245887US2CONT	7493
22850 7590 12/20/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	
			NOTIFICATION DATE	DELIVERY MODE
			12/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

Application No.

10/727,592

Applicant(s)

MIYAMOTO ET AL.

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on file is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-19 are presented.

### ***Response to Arguments***

Applicant has submitted an amendment and arguments along with the amendments.

1. Applicant has added words such as “allocated” to various portions of claims.

Applicant has not explained how this “allocated” term changes the meaning of the claims. Without such explanation from Applicant, a reasonably broad interpretation of the claims would be that of the current claims with “allocated” having the same scope as before the amendment.

2. Applicant has argued that Kato doesn't teach the storage of user data and image data together. Yet, Kato was explicitly noted in the previous Office Action as not teaching the storage of user data and image data together in the sense of the claim. Instead, Nagashima was cited for storing the user data and image data together when combined with the teachings of Kato.

- a. Applicant seems to assert that a mechanical combination of Kato and Nagashima would not produce the claimed invention. This may be. Yet, the rejection was based upon combination of the teachings of Kato and Nagashima rather than a mechanical combination of the specific

embodiments of the two disclosures. Thus, Applicant's argument is insufficient.

- b. Applicant's best argument seems to be that Nagashima's teaching of password handling that would match user information with image would not be entirely applicable to the situation of the teachings of Kato so as to teach the claimed invention. On this matter, Applicant is referred to a point made in the earlier paragraphs: the meaning of "allocated." This term "allocated" may or may not change the situation so as to make Nagashima's teaching to be untenably far away from the claimed invention. If "allocated" of claims is different from the obvious variants of the type of matching user with image of Nagashima, then this should be pointed out and further explained with sufficient details so as to permit the Patent Office to understand. For example, the previous comment on the art of ATM may or may not be persuasive depending on the meaning of the term "allocated." At this moment, the arguments of Applicant are deemed to be of insufficient detail.

Throughout Applicant's arguments, Applicant seems to assume that the art of operator interface is (whether it be from ATM, camera, etc.) is to be placed only in isolation within the very narrow fields of each reference's endeavor. This aspect of Applicant's arguments is particularly false because the art of operator interface has a tendency (and even pressure) towards convergence. Thus, the operator interfaces usually move in same direction. As for Kato and Nagashima, this means that the operator interfacing of

these references may be more broadly combined than seems to be assumed by Applicant.

## **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,141,111) and Nagashima (US Patent 6,438,574).

Regarding claim 1, Kato teaches "A data transmission apparatus in a data processing device, comprising: a user identification selection unit configured to select user identification data including an operator ID for using the data processing device and owner IDs for giving authorization to access an image data captured by the data processing device; and a user management unit configured to allocate the user identification data to the image data (figure 5, steps s4-s7; column 6, lines 17-46: i.e., USER ID is input and image becomes associated with user ID), and [...] the image data is captured (figure 5, step s1; column 6, lines 6-16: i.e., image is taken using camera)."

These passages of Kato do not teach “store the user identification data allocated to the image data in a storage device each time” in the sense of the claim. Whereas Kato does teach at least a temporary association of the user ID with the image data, these passages of Kato does not make certain that the user ID and the image data are permanently stored together.

Nagashima teaches to “store the user identification data allocated to the image data in a storage device each time (figures 6-11, each of figures 6-11 showing a password/card for identifying user” for the motivation security (such as from password). If a password/card is required, then the system must have stored the password/card somewhere.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Kato and of Nagashima for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 1, 7, 10, 15, 18, 19 are independent claims.

Regarding claim 7, such (touchpad/input history, etc.) is well known in the art for the motivation of security<sup>1</sup> and of ease of use.

Regarding claim 10, this claim is broader than claim 1. For the reasons noted in the rejection of claim 1, this claim 10 is unpatentable.

Regarding claim 15, this claim is broader than claim 7. For the reasons noted in the rejection of claim 7, this claim 15 is unpatentable.

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<sup>1</sup> This is so common that many ATM systems have such a feature.

Regarding claims 18, 19, such (scanner, etc.) is a well known for the motivation of capturing image.

Claims 2-6, 11-14 deal with various choosing among user ID data. Such choosings are well known in the art for the motivation of easier accommodation of multiple users.

Claims 8-9, 16-17 deal with data consistency (update of claim 8, new user data of claim 9, etc.). Such data consistency is well known in the art for the motivation of preventing data corruption.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.



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David Jung

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Patent Examiner

12/16/07

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke.